

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on October 18, 2011.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Bob Becker, YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting October 4, 2011; Fire Department Report for the month of September, 2011; bills and payroll for the first half of October, 2011 and HOME Rehab Expenditures.

Bills and Payroll for the first half of October, 2011

General Fund

Payroll		\$ 237,504.06
Bills		<u>\$ 121,074.38</u>
	Total	\$ 358,578.44

Hotel Tax Fund

Payroll		\$ 1,699.99
Bills		<u>\$ 5,145.62</u>
	Total	\$ 6,845.61

Festival Management Fund

Bills		<u>\$ 183.68</u>
	Total	\$ 183.68

Insurance & Tort Judgment

Bills		<u>\$ 3,277.71</u>
	Total	\$ 3,277.71

Midtown TIF Fund

Bills		<u>\$ 17,068.24</u>
	Total	\$ 17,068.24

Capital Project Fund

Bills		<u>\$ 273,981.88</u>
	Total	\$ 273,981.88

South Rte 45 TIF

Bills		<u>\$ 6,054.00</u>
	Total	\$ 6,054.00

Water Fund

Payroll		\$ 26,924.87
Bills		<u>\$ 18,573.33</u>
	Total	\$ 45,498.20

Sewer Fund

Payroll		\$ 32,526.86
Bills		<u>\$ 49,627.54</u>

	Total	\$ 82,154.40
<u>Motor Fuel Tax Fund</u>		
Bills		<u>\$ 31,183.08</u>
	Total	\$ 31,183.08
<u>Health Insurance Fund</u>		
Bills		<u>\$ 104,983.04</u>
	Total	\$ 104,983.04

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

PRESENTATIONS, PETITIONS & COMMUNICATIONS

- Public comments/presentations and non-agenda items

DISCUSSION: Amending Chapter 114 of the Mattoon Code of Ordinances to regulate liquor.

Mr. Steve Ratliff of CVS addressed the Council by requesting at least a quarterly wine tasting opportunity with Mayor Gover stating the proposal included “not more often than one (1) time in any calendar quarter.” Mr. Dan Lawrence of the Knights of Columbus addressed the Council by requesting the rates remain the same due to K of C does not have video gambling, therefore, the rate increase would dramatically effect their non-profit organization which provides special projects and community fundraising. Mr. Rob Patterson inquired as to the freezing of the initial fees until the video gambling is allowed. Mayor Gover stated negatively – the initial fees would be implemented upon passage. Mrs. Barbara Beals of Castle Inn reiterated her concerns of devaluing the current A licenses by adding eight licenses, downtown area, and \$5,000 initial fee. Mr. Don Dow reiterated his concerns. Mr. Steve Ratliff inquired how the number of licenses was derived. Administrator McLaughlin stated initially the proposal was unlimited, but reduced to 25. Mrs. Mary Weber of CJ’s Club agreed with the others in attendance and requested Council to leave the number at 17. Mrs. Beals inquired whether the 400 ft. restriction affected current owners with Administrator McLaughlin stating current owners would be grandfathered. Mrs. Beals further inquired if the Council had read her letter. Mayor Gover noted the letter had not been distributed due to the letter addressed to the mayor and council, which he believed each council member had received one. He would have it distributed to each of the council members. There was further discussion on the 400 ft. by Administrator McLaughlin, Coordinator Gill, and Attorney & Treasurer Owen. Ms. Melody Colbert of Club Oasis requested the Council not devalue the current A liquor licenses. Verita Kimery of Rookies Club questioned the rationale of the increase with Mayor Gover noting the update of liquor ordinance was to be analogous with other communities. Further discussion was held on the other communities’ economies. One additional discussion session was set for the November 1st council meeting with action scheduled to be taken at the November 15th council meeting. Question was raised as to Attorney & Treasurer Owen’s presumed conflict of interest due to his partial ownership in a local restaurant holding a restaurant liquor license. Discussion was held on Attorney & Treasurer Owen’s presumed conflict of interest including Attorney & Treasurer Owen noting verbal communication from the Illinois Liquor Commission as not having a conflict of interest. Commissioner Rankin announced the Council had a wide range of opinions on the proposed liquor license ordinance. Mrs. Kimery inquired as to the wine tasting portion of the ordinance with Administrator McLaughlin and Attorney & Treasurer Owen stating the language was from other municipalities and State Statute.

NEW BUSINESS:

Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1267, approving the rejection of all bids for replacement bullet proof vests for officers of the Mattoon Police Department; and approving the bid of \$22,500 from Ray O’Herron Co., Inc. for 36 bullet proof vests.

Mayor Gover opened the floor for discussion. Chief Branson explained the rejection of bids and the receipt of an additional grant, which would bring the cost of the vests to \$12,737.90.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Resolution 2011-2845, adopting the successor Health Flexible Spending Account Plan Document and Summary Plan Description prepared by OptumHealth for administration of the City's Flexible Spending Account; and authorizing the City Clerk to administer the plan.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2011-2845

A RESOLUTION AUTHORIZING A SUCCESSOR FLEXIBLE BENEFITS PLAN TO BE ADMINISTERED BY OPTUMHEALTH FINANCIAL SERVICES

WHEREAS, the City of Mattoon, Illinois ("City") had established a Flexible Benefits Plan made available to all eligible employees and elected officials pursuant to Section 125 of the Internal Revenue Code permitting such Plans with The Principal Life Insurance Group; and,

WHEREAS, The Principal Life Insurance Company is ceasing its administration of Section 125 Plans and has partnered with OptumHealth Financial Services to offer successor services; and,

WHEREAS, the City Council approved the proposal of OptumHealth Financial Services at the Council meeting of August 16, 2011; and,

WHEREAS, OptumHealth Financial Services has completed an updated Plan Document and Summary Plan Description.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS AS FOLLOWS:

Section 1. The City hereby adopts the City of Mattoon, Illinois Flexible Benefit Plan (the "Plan"), attached hereto as Appendix A, and the City of Mattoon, Illinois Flexible Benefit Plan Summary Plan Description, attached hereto as Appendix B; and that such resolution has not been modified or rescinded as of the date hereof.

Section 2. The form of amended Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective October 01, 2011, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

Section 3. The City Clerk shall be the Administrator for this Flexible Benefit Plan; shall receive necessary reports, notices, etc. from OptumHealth Financial Services; shall cast, on behalf of the Employer, any required votes under the OptumHealth Financial Services, and is authorized to administer the Plan and execute all necessary agreements with the OptumHealth Financial Services incidental to the administration of the Plan.

Section 4. The Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

Section 5. The duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

Section 6. The Mayor is authorized to sign the Plan attached hereto as Appendix A and Summary Plan Description attached hereto as Appendix B with the OptumHealth Financial Services.

Section 7. The undersigned further certifies that attached hereto as Appendix A and Appendix B are true copies of City of Mattoon, Illinois Flexible Benefit Plan as amended and restated and the Summary Plan Description approved and adopted in the foregoing resolution.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 18th day of October, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin
Commissioner Hall, Commissioner Rankin,
Mayor Gover
NAYS (Names): None
ABSENT (Names): None

Approved this 18th day of October, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on October 18th, 2011.

I, Susan J. O'Brien, Clerk of the City of Mattoon, Illinois, do hereby certify that the foregoing resolution, was duly adopted, passed and approved by the City Council of the City of Mattoon, Illinois at a regular meeting thereof assembled on the 18th day of October 2011.

/s/ Susan J. O'Brien
City Clerk

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Becker seconded by Commissioner Ervin moved to adopt Ordinance 2011-5330, amending Chapter 72 of the municipal code regulating snow route streets.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2011 - 5330

AN ORDINANCE AMENDING CHAPTER 72 OF THE MUNICIPAL CODE REGARDING SNOW ROUTES

WHEREAS, 65 ILCS 5/11-60-2 enables the corporate authorities of each municipality to define, prevent and abate nuisances; and

WHEREAS, the City Council desires to change the administration of the snow emergency ordinances to better effectuate the cleaning of accumulated snow from the mid-town business district.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Code Amendment. Section §72.56 of Chapter 72 of the Code of Ordinances of the City of Mattoon are hereby amended as follows:

72.56 Snow Route Streets

(A) In the event of a "snow and ice emergency", it is hereby ordained that having a vehicle parked on the following streets, and not in the manner described in paragraph B below, during such snow emergency before the snow is removed is unlawful:

Broadway Avenue between Fourteenth and Twenty-First Streets;
Western Avenue from Nineteenth to Twenty-First Streets;
Fourteenth Street from Wabash to Richmond Avenues;
Fifteenth Street from Wabash to Richmond Avenues;
Sixteenth Street from Wabash to Richmond Avenues;
Seventeenth Street from Wabash to Broadway Avenues.

(B) If the snow and ice emergency is declared on an even numbered day then parking during the ice and snow emergency shall be allowed on the side of the street with the even numbered postal addresses. Consequently, if the ice and snow emergency is declared on an odd numbered day then parking during the ice and snow emergency all be allowed on the side of the street with the odd numbered postal addresses.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication in pamphlet form and approval as provided by law.

Upon motion by Commissioner Becker, seconded by Commissioner Ervin, adopted this 18th day of October, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of October, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 18, 2011.

Mayor Gover opened the floor for discussion. Commissioner Hall inquired as to the public notification. Director Barber stated the posted signs would indicate the changes, which applied mostly to the downtown area. Administrator McLaughlin stated the snow routes had not previously been enforced and envisioned the routes to be citywide in the future.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Becker moved to approve Council Decision Request 2011-1268, approving a \$2,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Lake Land College Athletics for hosting the Lake Land College Women's Basketball Laker Holiday Classic on December 29 -31, 2011.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2011-1269, awarding the 2011 Water Treatment Plant chemical bids as listed on the CDR.

[General Chemical	Alum	\$.195/pd;
Continential Carbonic Products, Inc.	CO2	\$.0495/lb;
Envirogreen	Carbon	\$.615/lb;
Polydyne, Inc.	Polymer	\$.57/lb;
Brenntag Mid-South, Inc.	Chlorine	\$.2285/lb;
Hawkins, Inc.	Fluoride	\$.42/lb;
Hawkins, Inc.	Ammonia Sulfate	\$.38/lb;
Carus Corp.	Polyphosphate blend	\$.62/lb;
Carus Corp.	Permanganate	\$.99/lb;
Mississippi Lime Co.	Lime	\$170.49/ton]

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR-announced a successful meeting with Mr. Tim Ols, CEO of Sarah Bush Lincoln Health Center (SBLHC), and PersonalCare meeting and agreement with SBLHC; noted work on the liquor code, Planning Commission and Tourism Committee's involvement with the Comprehensive Plan, and the upcoming ILCMA's managers conference at the Days Inn. Administrator McLaughlin opened the floor for questions with no responders.

ATTORNEY & TREASURER- noted routine business as well as finalizing the annual report, TIF report, and updated the Council on the Young's Radiator Lawsuit's continuance until December 19th. Mayor Gover opened the floor for questions with no responders.

CITY CLERK- noted business as usual in addition to work on the Fire and Police Pension annual reports. Mayor Gover opened the floor for questions with no responders.

PUBLIC WORKS-updated the Council on the YMCA/Depot Alley, 17th Street & Broadway intersection, Progress Square, and completion of the South Side Drainage Project by Beyers Construction. Commissioner Hall and Mayor Gover praised the Public Works Department on the good job. Commissioner Becker inquired as to the progress of the DeWitt Avenue patching with Director Barber noting anticipated completion by December. Mayor Gover opened the floor for questions with no responders.

COMMUNITY DEVELOPMENT- noted business as usual with commercial addition, residential housing permits, and demolition title searches. Coordinator Gill announced the Plumbing seminar at the DeMars Center with 180 area plumbers in attendance. Mayor Gover opened the floor for questions with no responders.

FIRE-Commissioner Hall provided the Fire Department Report due to Chief Nichols' departure from the meeting. He updated the Council on Fire training and public relations work including the open house last Saturday. Mayor Gover elaborated on his attendance at the open house and Chief Nichols' election to the Illinois Fire Chiefs Executive Board. Mayor Gover opened the floor for questions with no responders.

POLICE – presented the Council with a high priority calls report and commended the Police Department Officers for their significant callout contributions to the senior citizens’ home invasion. Mayor Gover commended Chief Branson on his work and outstanding Police Department. Mayor Gover opened the floor for questions with no responders.

Mayor Gover seconded by Commissioner Ervin moved to recess to closed session at 7:32 p.m. pursuant to the Illinois Open Meetings Act for the purpose of discussing the purchase or lease of real property (5 ILCS 120(2)(c)(5)).

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Council reconvened at 8:16 p.m.

Commissioner Hall seconded by Commissioner Rankin moved to adjourn at 8:16 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

/s/ Susan J. O'Brien
City Clerk